

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JAMES D. CORNETT,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:17cv335-MHT
)	(WO)
ALABAMA DEPARTMENT OF)	
TRANSPORTATION, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

Plaintiff James D. Cornett filed a *pro se* complaint alleging that he was terminated due to his race in violation of Title VII of the Civil Rights Act of 1964. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff's motion to set aside the court's dismissal and final judgment be granted and the judgment set aside; and that plaintiff's motion for voluntary dismissal be construed as a motion to vacate the court's order of June 2, 2017, and as a motion to withdraw plaintiff's motion

to proceed *in forma pauperis*, with both motions remaining pending. Also before the court are plaintiff's apparent objections to certain statements in the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

Accordingly, it is ORDERED as follows:

(1) To the extent plaintiff objects to the recommendation, the objections (doc. no. 31) are overruled.

(2) The recommendation of the United States Magistrate Judge (doc. no. 28) is adopted.

(3) The motion to set aside the court's dismissal and final judgment (doc. no. 23) is granted.

(4) The July 5, 2017 dismissal and final judgment (doc. no. 21) is vacated.

(5) This case is reopened.

(6) The motion for voluntary dismissal (doc. no. 20) is construed as a motion to vacate the court's June 2, 2017 order (doc. no. 6) and as a motion to withdraw the motion to proceed *in forma pauperis* (doc. no. 2). Both motions remain pending for consideration by the magistrate judge.

It is further ORDERED that pursuant to 28 U.S.C. § 636, this case is referred back to the United States Magistrate Judge for consideration and disposition or recommendation on all pretrial matters as may be appropriate.

DONE, this 26th day of March, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE